

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35544

STATE OF IDAHO,)	2009 Unpublished Opinion No. 607
)	
Plaintiff-Respondent,)	Filed: September 16, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
ERIC B. BURBANK,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Franklin County. Hon. Don L. Harding, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of two years, for sexual battery of a minor child sixteen or seventeen years of age, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

Eric B. Burbank was convicted of sexual battery of a minor child sixteen or seventeen years of age, Idaho Code § 18-1508A. The district court imposed a unified sentence of ten years, with a minimum period of confinement of two years. Burbank appeals, contending that the sentence is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App.

1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Burbank's judgment of conviction and sentence are affirmed.